

PATENT
Customer No. 22,852
Attorney Docket No. 5823.0199-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Kyu Yong JUNG and Kyung Soo KEUM) Group Art Unit: 1654
)
Application No.: 10/053,620) Examiner: S.D. Coe
)
Filed: January 24, 2002)
)
For: HERBAL COMPOSITION FOR)
THE PREVENTION AND)
TREATMENT OF DEMENTIA)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF SUSPECTED ERROR IN THE DETERMINATION OF
PATENT TERM ADJUSTMENT**

Under 65 FED. REG. 56387 (September 18, 2000), Applicants are required to notify the Patent and Trademark Office (PTO) of errors in patent term adjustment. Applicants believe in good faith that the patent term adjustment may be in error and respectfully request the PTO to clarify how this adjustment period was determined.

Applicants confirm receipt of the Notice of Determination of Patent Term Adjustment dated February 9, 2006. The Notice indicates that the PTO has determined that the patent term adjustment period for this application is 127 days.

Based on Applicants' calculation, the patent term adjustment should take into account a 98-day delay by the PTO in providing a first action on the merits and an 84-day delay by the Applicants in responding to the first action on the merits. Applicants

note that the application was abandoned on November 2, 2004 and suggests that this event has two effects on the patent term. First, it begins a period of Applicant-induced delay which ends on February 16, 2005, when the Petition to Revive was granted. Second, it temporarily halts the pendency of the application, extending the three-year period for allowance. Applicants also note, as indicated in the Office's Patent Term Adjustment History, that the application failed to issue within three years of the filing date, and that this contributes to the patent term adjustment even when taking into account the time consumed by the abandonment.

Accordingly, Applicants suggest that the term of the patent may be shorter than 127 days. Applicants thank the PTO for its further consideration and clarification of this matter.

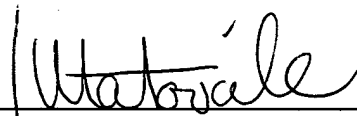
Please charge any necessary fees required to enter this paper to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: May 9, 2006

By: _____



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